S.B.Civil Transfer Petition No. 50/2004

DATE OF ORDER : - 7.3.2006

HON'BLE MR. PRAKASH TATIA,J.

Mr. Nagraj Goswami, for the petitioner/s
None present for the respondent/s

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Nobody appeared on behalf of the respondent despite service. Learned counsel for the petitioner submits that the respondent submitted a petition under Section 13 of the Hindu Marriage Act having No. 80/2001, which was transferred from the Court of Additional District Judge, Bali to the Family Court, Jodhpur by order of this Court (by me) in S.B. Civil Transfer Petition No. 10/2003 dated 6.11.2003.

According to the learned counsel for the petitioner, the petitioner submitted an application under Section 9 of the Hindu Marriage, which is pending in the Court of Additional District Judge, Sojat, Camp at Jaitaran, Distt. Pali having No. 17/2004. The petitioner submitted that petition in the Court at Jaitaran because that court had jurisdiction but the petitioner is residing at Jodhpur and already one petition filed under Sec. 13 of the Hindu Marriage Act is pending in the Court at Jodhpur. Therefore, it will be appropriate that two petitions be decided by same court.

The application is not opposed by the respondents because of the obvious reason that one of the petition between applicant and

respondent has been transferred to the court at Jodhpur.

In view of the above, the transfer petition is allowed and petition filed under Sec. 9 of the Hindu Marriage Act by the applicant Madhubala against the respondent Ashok Kumar having No.17/2004 pending in the court of Additional District Judge, Sojat, Camp at Jaitaran, Distt. Pali is hereby withdrawn and is transferred to the Family Court, Jodhpur for deciding in accordance with law.

(Prakash Tatia), J.

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